

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Pramod K. Srivastava

Serial No.: 08/315,892

Group Art Unit: 1205

Filed: September 30, 1994

Examiner:

For: IMMUNOTHERAPEUTIC STRESS
PROTEIN-PEPTIDE COMPLEXES
AGAINST CANCER

Pennie & Edmonds
1155 Avenue of the Americas
New York, New York 10036

Attorney Docket No.: 8449-008

REVOCATION AND POWER OF ATTORNEY

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

S I R :

Pramod K. Srivastava, residing at 3805 Greystone Avenue, Riverdale, New York 10463, revokes all previous powers of attorney and appoints S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469),

EXPRESS MAIL CERTIFICATION

"Express Mail" label No. TB686 622 783US Date of Deposit April 5, 1995
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

MICHAEL VIGUIE

Sign or print name of person making paper or fee

Signature of person making paper or fee

PENTY2-360929.1

0992613 11401
T04111-1126660

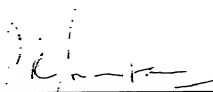
John J. Lauter, Jr. (Reg. No. 27814); Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227) and Marcia H. Sundeen (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them his attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence to Pennie & Edmonds, located at 1155 Avenue of the Americas, New York, New York 10036, and direct all telephone calls to Pennie & Edmonds at (212) 790-9090.

Dated:

04/03/95

By:


PRAMOD K. SRIVASTAVA

**SUPPLEMENTAL DECLARATION
AND POWER OF ATTORNEY**

**Express Mail No.
EL 477 032 354 US**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

IMMUNOTHERAPEUTIC STRESS PROTEIN-PEPTIDE COMPLEXES AGAINST CANCER

and for which a patent application:

is attached hereto and includes amendment(s) filed on _____ (if applicable)

☒ was filed in the United States on September 30, 1994 as Application Serial No. 08/315,892 (for declaration not accompanying application)

with amendment(s) filed on January 29, 1996, October 8, 1996 and September 17, 1997. (if applicable)

☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 34 on February 23, 1996

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/180,685	January 13, 1994		X	

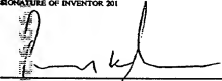
POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Miarock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Boji A. Torman (Reg. No. 20060), Gerald J. Eliason (Reg. No. 20823), David Weid, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbutak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31252), Victor N. Bedancie (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallace (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zagger (Reg. No. 33821), Edmund P. Benson (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Andler (Reg. No. 32605), Ann L. Gisolfi (Reg. No. 31956), SaraLynn Mandel (Reg. No. 31853), Mark A. Farley (Reg. No. 33170), James G. Mackay (Reg. No. 31636), and Charles F. Hoyng (Reg. No. 35548), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:
PENNIE & EDMONDS DOCKETING
(212) 790-2803

2 0 1	FULL NAME OF INVENTOR	LAST NAME Srivastava	FIRST NAME Pramod	MIDDLE NAME K.
	RESIDENCE & CITIZENSHIP	CITY Avon	STATE OR FOREIGN COUNTRY Connecticut	COUNTRY OF CITIZENSHIP INDIA
	POST OFFICE ADDRESS	STREET 70 Pheasant Run	CITY Avon	STATE OR COUNTRY Connecticut

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  Pramod K. Srivastava	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203
DATE 12/11/97	DATE 	DATE

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

(Original, Design, National Stage of PCT, Supplemental,
Divisional, Continuation or CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one
applicable item below)

- ☒ original
☐ design
☐ supplemental
☐ national stage of PCT
☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as
stated below next to my name, and I believe I am the original,
first and sole inventor (if only one name is listed below) or an
original, first and joint inventor (if plural names are listed
below) of the subject matter which is claimed and for which a
patent is sought on the invention entitled:

TITLE OF INVENTION

IMMUNOTHERAPEUTIC HEAT SHOCK PROTEIN-PEPTIDE COMPLEXES
AGAINST CANCER

09926613-111401

SPECIFICATION IDENTIFICATION

the specification of which (check one):

- ☐ is attached hereto.
- ☒ was filed on September 30, 1994 as
Application Serial No. 08/315,892 or
- ☐ Express Mail No., as Serial No. not yet known
and was amended on _____
(if applicable).
- ☐ was described and claimed in PCT International
Application No. _____ filed on
_____ and as amended under PCT Article 19 on
_____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

- ☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

- ☒ no such applications have been filed.
- ☐ such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO
THIS U.S. APPLICATION

Country	Application Number	Date of Filing (mo., day, year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO
THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:

U.S. APPLICATIONS U.S. FILING DATE STATUS

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, aband.)

(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, aband.)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys
and/or agents to prosecute this application and transact all
business in the United States Patent and Trademark Office
connected therewith:

Edmund R. Pitcher,	Reg. No. 27,829
Steven M. Bauer,	Reg. No. 31,481
Paula A. Campbell,	Reg. No. 32,503
Douglas J. Kline,	Reg. No. 35,574
Loletta L. Darden	Reg. No. 37,603
Gillian M. Fenton	Reg. No. 36,508
Curtis A. Vock	Reg. No. 38,356
Joseph A. Capraro	Reg. No. 36,471
Robin D. Kelley,	Reg. No. 34,637
Robert J. Tosti,	Reg. No. 35,393
Madeline I. Johnston,	Reg. No. 36,174
Duncan A. Greenhalgh	Reg. No. 38,678
Gretchen A. Rice	Reg. No. 37,429

Direct correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault
Exchange Place
53 State Street
Boston, MA 02109-2809 U.S.A.

Direct telephone calls to:

Edmund R. Pitcher (617) 248-7589
(name and telephone number)

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Pramod K. Srivastava	India
Full name of sole or first inventor	Citizenship
<u>P. K. Srivastava</u>	<u>Dec 8 '94</u>
Inventor's signature	Date
<u>3805 Greystone Avenue, Riverdale, NY 10463</u>	
<u>27 East 94th Street, Apt. 3E, New York, NY 10128</u>	
Residence	
<u>Department of Biological Sciences, Fordham University, Larkin</u>	
<u>Hall, Bronx, NY 10458</u>	
Post Office Address	

ORIGINAL FILED

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S)
WHICH FORM A PART OF THIS DECLARATION

- Signature for third and subsequent joint inventors.
Number of pages added ____.
- Signature by administrator(trix), executor(trix) or
legal representative for deceased or incapacitated
inventor. Number of pages added ____.
- Signature for inventor who refuses to sign or cannot
be reached by person authorized under 37 CFR 1.47.
Number of pages added ____.
- Added pages to combined declaration and power of
attorney for divisional, continuation, or continuation
in-part (CIP) application. ____ Number of pages added.
- Authorization of attorney(s) to accept and follow
instructions from representative.

If no further pages form a part of this Declaration then end this
Declaration with this page and check the following item.

X This declaration ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Pramod K. Srivastava
☐ Patent of:

☒ Serial No.: 08/315,892
☐ Patent No.:

Group Art Unit: 1205

☒ Filed: September 30, 1994
☐ Issued:

Examiner:

For: IMMUNOTHERAPEUTIC STRESS
PROTEIN-PEPTIDE COMPLEXES
AGAINST CANCER

Attorney Docket No.: 8449-008

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Mount Sinai School of Medicine
of the City University of New York
Address of organization One Gustave L. Levy Place
New York, New York 10029

Type of organization

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled
IMMUNOTHERAPEUTIC STRESS PROTEIN-PEPTIDE COMPLEXES AGAINST CANCER by inventor(s) **PRAMOD K. SRIVASTAVA** described in

- ☐ the specification filed herewith
☒ application serial no. 08/315,892 filed September 30, 1994
☐ patent no. _____ issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME ANTIGENICS, INC.
 ADDRESS 30 Rockefeller Plaza, Suite 4220
New York, New York 10112

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: PRAMOD K. SRIVASTAVA
☐ Patent of:

☒ Serial No.: 08/315,892
☐ Patent No.:

Group Art Unit: 1205

☒ Filed: September 30, 1994
☐ Issued:

Examiner: Goldberg, Jerome D.

For: IMMUNOTHERAPEUTIC STRESS PROTEIN-
PEPTIDE COMPLEXES AGAINST CANCER

Attorney Docket No.: 8449-008

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of concern ANTIGENICS, INC.

Address of concern 30 Rockefeller Plaza, Suite 4220
New York, New York 10112

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled IMMUNOTHERAPEUTIC STRESS PROTEIN-PEPTIDE COMPLEXES AGAINST CANCER by inventor PRAMOD K. SRIVASTAVA described in

- ☐ the specification filed herewith
☒ application serial no. 08/315,892 filed September 30, 1994
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME MOUNT SINAI SCHOOL OF MEDICINE OF
THE CITY UNIVERSITY OF NEW YORK
ADDRESS One Gustave L. Levy Place
New York, New York 10029
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT
ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS Direct Telephone calls to: PENNIE & EDMONDS
1155 Avenue of the Americas (212) 790-9090
New York, N.Y. 10036-2711

Name of person signing GARO H. ARMEN, PH.D.
Title of person other than owner President and Chief Executive Officer
Address of person signing 30 Rockefeller Plaza, Suite 4220
New York, New York 10112

Signature  Date June 15 1996

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

0992613.111401